

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

**IN RE: JOHNSON & JOHNSON TALCUM  
POWDER PRODUCTS MARKETING, SALES  
PRACTICES, AND PRODUCTS LIABILITY  
LITIGATION**

**MDL No. 2738 (FLW) (LHG)**

This document relates to: \_\_\_\_\_  
\_\_\_\_\_

**SHORT FORM COMPLAINT  
AND JURY DEMAND**

The Plaintiff(s) named below file(s) this *Short Form Complaint and Demand for Jury Trial* against Defendants named below by and through the undersigned counsel. Plaintiff(s) incorporate(s) by reference the allegations contained in *Plaintiffs' Master Long Form Complaint* in *In re: Talcum Powder Products Marketing, Sales Practices, and Products Liability Litigation*, MDL No. 2738 in the United States District Court for the District of New Jersey. Plaintiff(s) file(s) this Short Form Complaint as permitted by Case Management Order No. 1 of this Court.

In addition to those causes of action contained in *Plaintiffs' Master Long Form Complaint*, where certain claims require specific pleadings and/or amendments, Plaintiff(s) shall add and include them herein.

## IDENTIFICATION OF PARTIES

### Identification of Plaintiff(s)

1. Name of individual injured due to the use of talcum powder product(s): \_\_\_\_

RAMONA BROOKS

2. At the time of the filing of the specific case, Plaintiff(s) is/are a citizen of

United States, Los Angeles, California

3. Consortium Claim(s): The following individual(s) allege damages for loss of consortium: Yes, Brooks was married but was eventually divorced thus losing all consotirum because she failed to be able to carry children due to tumors in her womb.

4. Survival and/or Wrongful Death Claims:

Name and residence of Decedent Plaintiff when she suffered the talcum powder product(s) related death: None

5. Plaintiff/Decedent was born on November 21, 1967 and died on

Plaintiff is still alive. Plaintiff has and still suffers from cancer and resulting medical complications.

6. Plaintiff is filing this case in a representative capacity as the Not Applicable

\_\_\_\_\_ of the \_\_\_\_\_, having been duly appointed

as the \_\_\_\_\_ by the \_\_\_\_\_ Court of \_\_\_\_\_

\_\_\_\_\_

7. As a result of using talcum powder products, Plaintiff/Decedent suffered personal and economic injur(ies) that are alleged to have been caused by the use of the products identified in Paragraph 16 below, but not limited to, the following:

- ☒ injury to herself
- ☐ injury to the person represented
- ☐ wrongful death
- ☐ survivorship action
- ☐ economic loss
- ☐ loss of services
- ☐ loss of consortium
- ☐ other: \_\_\_\_\_

### **Identification of Defendants**

8. Plaintiff(s)/Decedent Plaintiff(s) is/are suing the following Defendant(s) (please check all that apply)<sup>1</sup>:

- ☒ Johnson & Johnson
- ☒ Johnson & Johnson Consumer Inc.

<sup>1</sup> If additional Counts and/or Counts directed to other Defendants are alleged by the specific Plaintiff(s) as to whom this *Short Form Complaint* applies, the specific facts supporting these allegations must be pleaded by the Plaintiff(s) in a manner complying with the requirements of the Federal Rules of Civil Procedure, and the Defendants against whom they are alleged must be specifically identified on a separate sheet of paper attached to this *Short Form Complaint*.

☒ Imerys Talc America, Inc. ("Imerys Talc")

☒ Personal Care Products Council ("PCPC")

**Additional Defendants:**

☐ Other(s) Defendant(s) (please specify): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**JURISDICTION & VENUE**

**Jurisdiction:**

9. Jurisdiction in this Short Form Complaint is based on:

☒ Diversity of Citizenship

☐ Other (The basis of any additional ground for jurisdiction must be pled in sufficient detail as required by the applicable Federal Rules of Civil Procedure). \_\_\_\_\_

\_\_\_\_\_

**Venue:**

10. District Court(s) and Division (if any) in which venue was proper where you might have otherwise filed this Short Form Complaint absent the direct filing Order entered by this Court and to where remand could be ordered by the Judicial Panel for trial:

This case was filed in Superior Court of Los Angeles County due to diversity.

Yet this Court has jurisdictional venue as well.

**CASE SPECIFIC FACTS**

11. Plaintiff(s) currently reside(s) in (City, State):

United States, Los Angeles, California.

12. At the time of the Plaintiff's/Decedent's diagnosis with a talcum powder product(s) injury, Plaintiff/Decedent resided in (City, State):

United States, Los Angeles, California.

13. The Plaintiff/Decedent was diagnosed with a talcum powder product(s) injury in

(City/State): Los Angeles, California on

January 28, 2015 (date).

14. To the best of Plaintiff's knowledge, Plaintiff/Decedent began using talcum

powder product(s) on or about the following date: 1968 and

continued the use of talcum powder product(s) through about the following date:

October 2013.

15. The Plaintiff/Decedent purchased talcum powder product(s) in the

following (State(s)): Los Angeles, California.

16. Plaintiff/Decedent used the following talcum powder products:

☒ Johnson & Johnson's Baby Powder

☐ Shower to Shower



### **CAUSES OF ACTION**

17. Plaintiff(s) hereby adopt(s) and incorporate(s) by reference the *Master Long Form Complaint and Jury Demand* as if fully set forth herein.
18. The following claims and allegations asserted in the *Master Long Form Complaint and Jury Demand* are herein adopted by reference by Plaintiff(s):
- ☒ Count I: Products Liability – Strict Liability – Failure to Warn (Against Imerys Talc)
  - ☒ Count II: Products Liability – Strict Liability – Failure to Warn (Against the Johnson & Johnson Defendants)
  - ☒ Count III: Products Liability – Strict Liability – Defective Manufacturer and Design (Against Imerys Talc)
  - ☒ Count IV: Products Liability – Strict Liability – Defective Manufacturer and Design (Against the Johnson & Johnson Defendants)
  - ☒ Count V: Breach of Express Warranties (Against the Johnson & Johnson Defendants)
  - ☒ Count VI: Breach of Implied Warranty of Merchantability (Against the Johnson & Johnson Defendants)
  - ☒ Count VII: Breach of Implied Warranty of Fitness for a Particular Purpose (Against the Johnson & Johnson Defendants)
  - ☒ Count VIII: Negligence (Against Imerys Talc)
  - ☒ Count IX: Negligence (Against the Johnson & Johnson Defendants)
  - ☒ Count X: Negligence (Against PCPC)
  - ☒ Count XI: Negligent Misrepresentation (Against the Johnson &

Johnson Defendants)

- ☒ Count XII: Fraud (Against the Johnson & Johnson Defendants)
- ☒ Count XIII: Fraud (Against PCPC)
- ☒ Count XIV: Violation of State Consumer Protection Laws of the

State of California (Against the Johnson & Johnson Defendants).

- ☒ Count XV: Fraudulent Concealment (Against Imerys Talc)
- ☒ Count XVI: Fraudulent Concealment (Against the Johnson & Johnson Defendants)
- ☒ Count XVII: Fraudulent Concealment (Against PCPC)
- ☒ Count XVIII: Civil Conspiracy (Against All Defendants)
- ☒ Count XIX: Loss of Consortium (Against All Defendants)
- ☒ Count XX: Punitive Damages (Against All Defendants)
- ☒ Count XXI: Discovery Rule and Tolling (Against All Defendants)
- ☐ Count XXII: Wrongful Death (Against All Defendants)
- ☐ Count XXIII: Survival Action (Against All Defendants)
- ☐ Furthermore, Plaintiff(s) assert(s) the following additional theories

and/or State Causes of Action against Defendant(s) identified in Paragraph nine (9) above. If Plaintiff(s) includes additional theories of recovery, to the extent they require specificity in pleadings, the specific facts and allegations supporting these theories must be pled by Plaintiff(s) in a manner complying with the requirements

of the Federal Rules of Civil Procedure. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**WHEREFORE**, Plaintiff(s) pray(s) for relief and judgment against Defendants of compensatory damages, punitive damages, interest, costs of suit, and such further relief as the Court deems equitable and just, and as set forth in the Master Long Form Complaint as appropriate.

**JURY DEMAND**

Plaintiff(s) hereby demand a trial by jury as to all claims in this action.

Dated: 3.15.2021

Respectfully Submitted by,

/s/ Theida Salazar

Theida Salazar, Esq.  
**Counsel for Plaintiff(s)**  
Ramona Brooks



## **EXHIBIT 2**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION

\_\_\_\_\_

Plaintiff,

v.

\_\_\_\_\_

Defendants.

MDL NO. 16-2738 (FLW) (LHG)  
JUDGE FREDA L. WOLFSON  
MAG. JUDGE LOIS H. GOODMAN

COMPLAINT AND JURY DEMAND

Civil Action No.: \_\_\_\_\_

DIRECT FILED ACTION

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

IN RE JOHNSON & JOHNSON  
TALCUM POWDER PRODUCTS  
MARKETING, SALES PRACTICES,  
AND PRODUCTS LIABILITY  
LITIGATION

MDL NO. 16-2738 (FLW) (LHG)

*THIS DOCUMENT RELATES TO ALL CASES*

**NOTICE OF AGREEMENT ON FORM OF SHORT FORM COMPLAINT**

Pursuant to Case Management Order No. 1, entered by the Court on December 6, 2016 (“CMO No. 1”), the parties have met and conferred regarding the form of a Short Form Complaint.

1. Attached hereto as Exhibit 1 is the form of Short Form Complaint that has been agreed upon by the parties.
2. As directed by CMO No. 1, the parties continue to meet and confer on the content and form of a Direct Filing Order. At such a time as an agreement is reached by and between the parties as to the content and form of that Order, instructions for the adoption and filing of the agreed upon Short Form Complaint will be presented to the Court, including:
  - a) The date by which cases currently pending in this MDL shall file a Short Form Complaint in the respective, individual case dockets; and

(b) The date by which cases newly transferred to this MDL must file a Short Form Complaint in the respective, individual case dockets.

Dated: January 5, 2017

RESPECTFULLY SUBMITTED,

/s/ Christopher M. Placitella

Christopher M. Placitella  
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***Plaintiffs' Liaison Counsel***

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***Plaintiffs' Co-Lead Counsel***



## FW: E-Filing User Account Information

John Groff <jgroff@lentolawgroup.com>

Mon 9/13/2021 7:37 PM

To: Denise Stone <dstone@lentolawgroup.com>

**From:** Philadelphia Courts <efs-registration@courts.phila.gov>

**Sent:** Monday, September 13, 2021 6:59 PM

**To:** John Groff <jgroff@lentolawgroup.com>

**Subject:** E-Filing User Account Information

[REDACTED]

Dear THOMAS CONNELLY,

Your User Account information has been successfully updated.

You will need to remember the information below to be able to log on. For your security it is important that you not share your username, password and pin number with anyone.

Username: tconnelly

Password: Onora!2017

Pin No.: 200586

You can E-File by logging on to the Civil, Criminal and Orphans' Electronic Filing System (EFS) at:

<http://courts.phila.gov> (under the tab labeled On-Line Services).

Upon logging on, you may change your password, electronic and street addresses and other information.

If you are experiencing problems logging on, or have any questions you can contact support at one of the following:

For Civil: OJRCivil@courts.phila.gov or (215)686-6652;

For Criminal: criminalesupport@courts.phila.gov or (215)683-7518;

For Orphans: ocsupport@courts.phila.gov.

For Family Court: Familyefsupport@pacs.com or (215)686-7466;

THANK YOU,

First Judicial District of Pennsylvania  
Orphans' Court and Trial Court Division

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Disclaimer:

The First Judicial District will use your electronic mail address and personal information only for purpose of Electronic Filing pursuant to Pa.O.C.R. 2.3 and 3.7, Phila.O.C.R.3.7.A, Pa.R.C.P. 205.4, Phila.R.C.P.\*205.4 and Administrative Docket No. 01-2008.

Use of the Electronic Filing System constitutes an acknowledgment that the user has read the Electronic Filing Rules and Disclaimer and agrees to comply with same.

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This is an automated e-mail, please do not respond!

